

September 18, 2009

TO: Teresa Parsons  
Director's Review Program Supervisor

FROM: Kristie Wilson  
Director's Review Investigator

SUBJECT: James King v. Eastern Washington University (EWU)  
Allocation Review Request ALLO-08-078

### **Director's Review Conference**

Mr. James King requested a Director's Review of his position's allocation by submitting a Request for Director's Review form on October 27, 2008. The time period for the review is the six months prior to October 10, 2008.

On August 11, 2009, I conducted a Director's review conference by phone. Present by phone were James King; Ray Goden, Custodial Services Manager; Jennifer VanSteenwyk, Custodian 4 - Supervisor; and Mark Schuller, EWU Human Resources.

### **Director's Determination**

As the Director's review investigator, I carefully considered all of the documentation in the file, the class specifications, and the information provided during the Director's review phone conference. Based on my review and analysis of Mr. King's assigned duties and responsibilities, I determine his position is properly allocated to the classification of Custodian 1.

### **Background**

Mr. King requested a reallocation by submitting a completed and signed Position Review Request (PRR) to EWU on August 11, 2008 (Exhibit B-1). Mr. King proposed that the Custodian 2 classification would be a better fit for his position. On October 10, 2008, Mr. Mark Schuller, of the EWU Human Resources Office, issued an allocation determination, indicating Mr. King's position was properly allocated to the Custodian 1 classification (Exhibit A-2). On October 27, 2008, Mr. King submitted a request for a Director's Review of EWU's decision (Exhibit A-1).

### **Summary of Mr. King's Comments**

Mr. King is employed at EWU as Custodian 1. During the phone conference, Mr. King stated that he was assigned to and responsible for one building on the EWU campus. He stated that each day he locks the building when he leaves. Mr. King empties garbage cans, washes walls and windows, sweeps and mops the floor and cleans the restrooms. Mr. King

states he uses the carpet extractor bi-weekly, and he operates the floor scrubber, high speed buffer, and leaf blowers with no training. Mr. King asserts that he changes light bulbs and cleans and maintains the equipment used.

Mr. King works the swing shift from 2:30 pm to 11:00 pm so he is solely responsible for locking the building. Mr. King confirms that he works with almost no supervision; he states he sees his lead about once per month and his supervisor two or three times a year. Mr. King states that he trains, instructs, and performs follow-up on the seasonal student employee in what needs to be completed.

Mr. King confirms that he assists with inventory control and security. Mr. King states that he calls in work orders for building repairs; he does not only report them to his supervisor. Mr. King confirmed he does order supplies such as floor cleaners, mops, and toilet tissue for the building.

Mr. King feels that these duties are not consistent with the classification of Custodian 1 and best fit within the Custodian 2 classification.

#### **Mr. Ray Godin (Mr. King's Supervisor) Comments**

Mr. Ray Godin stated in his letter to Mark Schuller dated September 23, 2008 that he finds Mr. King's information to be pretty accurate with only a few areas in question. Mr. Godin feels that Mr. King is working well within the Custodian 1 job classification.

Mr. Godin asserts that Mr. King locks up his own building each night and possibly another building if short staffed for that evening, but that this is rare. Mr. Godin states that if Mr. King is changing light bulbs this issue needs to be looked into because that duty is the University's lighting crew responsibility. Mr. Godin asserts that to his knowledge Mr. King has not been directed to change light bulbs, nor is it in his current job description to do such work.

Mr. Godin states that Mr. King is required to take care of and do what is labeled as "preventive" maintenance on equipment. This consists of changing or checking vacuum bags, replacing vacuum filters as needed, cleaning all equipment assigned for good appearance and to keep sanitary, checking water level in batteries before use, checking screens for debris in auto scrubbers and removing squeegee, rinsing after use, and placing in sink to dry. Mr. Godin asserts that currently they have three Maintenance Custodian 2's, one for each building, who are responsible for equipment repairs and parts replacement. The Maintenance Custodians are called to fix broken equipment which usually requires the ordering of parts that they have permission to do. Mr. King is not authorized to order parts outside the order sheet provided.

Mr. Godin explained the situation regarding the seasonal student employee. Mr. King stated that he assigned work, checked and planned their work, and trained them. Mr. Godin stated that the summer student was hired to cover the tray line for summer camps in which the Mr. King would provide little direction in what to do as the tray comes to the student employee. Mr. Godin felt that Mr. King was "guiding" the student to do the job right which is

in his job description. Mr. Godin has no knowledge of Mr. King planning the student's work. He states that he does give Mr. King his freedom of choosing to extract carpets when needed or refinish hard surface floors when needed to keep the building up to cleaning standards.

Mr. Godin feels that Mr. King is working fully within his Custodian 1 job classification.

### **EWU Comments**

Mr. Mark Schuller states that EWU does not feel as though Mr. King is working out of class. Mr. Schuller explained that the Custodian 2 job specification requires that those positions perform mainly maintenance duties. Mr. Schuller asserts that EWU Custodian 1 positions do not perform maintenance and that their main job assignment is to ensure their assigned building is clean.

In addition, Mr. Schuller commented on the duties Mr. King explained that are outside of the Custodian 1 classification. The first one was the ordering of supplies. Both Mr. Schuller and Mr. Godin stated that Mr. King completes the order form on what supplies are needed and turns the form into Mr. Godin every Monday. Mr. Godin checks the order form, makes necessary changes, initials the form, and forwards to the warehouse. The ordering process is not performed exclusively by Mr. King.

Mr. King also stated that he maintains accurate records of his timesheets which includes inputting them into a computer program. Mr. Schuller explained that this is an expectation for all employees at EWU, not just Custodians.

Mr. Schuller wanted to stress that all repair and maintenance is performed by the Maintenance Custodians. Mr. King's position of Custodian 1 is focused on the cleaning of his building. As a result, Mr. Schuller indicated that the Custodian 1 class is the best fit for Mr. King's position.

### **Rationale for Director's Determination**

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The Personnel Resources Board (PRB) has held the following:

. . . because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

### Custodian 2

The Definition of the Custodian 2 states: *"Positions in this level perform various housekeeping, custodial, and maintenance related tasks to ensure and maintain proper cleanliness of facilities, institutions and/or the Governor's mansion. Positions repair and replace various items, including but not limited to, light fixtures, switches, doors, hardware, windows, locks, etc."*

In addition to various housekeeping tasks, the Custodian 2 definition goes on to require that positions in this class repair and replace various items, including but not limited to, light fixtures, switches, doors, hardware, windows, locks, etc. Mr. King's position does not fit this requirement of the definition as he does not do repairs or replacement of light fixtures, switches, doors, hardware, etc. Rather, when Mr. King finds an item that needs repair, he submits a work order to have the Maintenance Custodian do the repair.

Mr. King does not repair equipment he ensures the equipment is maintained by changing or checking vacuum bags, replacing vacuum filters as needed, cleaning all equipment assigned for good appearance and to keep sanitary, checking water level in batteries before use, checking screens for debris in auto scrubbers and remove squeegee, rinsing after use, and placing in sink to dry. Mr. King's primary duties include the cleaning of the building. The Custodian 2 class is not an appropriate class for allocation of Mr. King's position as his work does not meet the requirements of the Definition.

### Custodian 1

The Definition of the Custodian 1 states: *"Positions in this level work under general supervision. Positions perform routine housekeeping and custodial duties."*

On the PRR, Mr. King indicated 40% of his work time was spent cleaning offices and restrooms. This responsibility included tasks in all aspect of custodial work: "empty garbage, collect recyclable items in building and place in appropriate containers, clean offices, clean and disinfect restrooms, wash walls and windows, fill paper towel dispensers, fill toilet paper dispensers, fill soap dispensers, empty sanitary napkin disposal containers, clean mirrors, vacuum carpets, sweep hard floors, sweep stairways, dust, spot wash walls, wash counter tops, clean whiteboards and erasers, wet mop floors. Maintain custodial tools and equipment." In addition, Mr. King locked the building per the schedule, cleaned after special events, called in reports on needed maintenance, and attended meetings and trainings as required.

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These duties fit within the Definition of Custodian 1. Mr. King's position is allocated properly at the Custodian 1 level.

**Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 600 S. Franklin, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

cc: James King  
Mark Schuller, EWU

Enclosure –List of Exhibits

List of Exhibits

**A.** Filed by James King October 27, 2008

1. Letter Requesting a Director's Review dated October 21, 2008
2. Agency's Allocation Determination letter dated October 10, 2008
3. December 10, 2008 letter to DOP from James King with attachments:
  - Custodian 1 Job description
  - Custodian 1 Classification Specification
  - Custodian 2 Classification Specification
  - Custodian 3 Classification Specification

**B.** Filed by Eastern Washington University (Mark Schuller) December 30, 2008

1. Completed Position Questionnaire
2. Allocation determination dated October 10, 2008
3. Eastern Washington University Job Description for Custodian 1
4. Organizational Chart for Facilities Services
5. Classification Specs used for allocation determination
6. Past Director's Review Decisions for Appeals within the Custodian 1 classification:  
ALLO-06-002, Allo-06-009 and HEU No. 4637